

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chairman Ron Stoker, on February 4, 2009 at 8:00 A.M., in Room 137 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Ron Stoker, Chairman (R)  
Rep. Deborah Kottel, Vice Chairman (D)  
Rep. Ken Peterson, Vice Chairman (R)  
Rep. Arlene Becker (D)  
Rep. Gerald Bennett (R)  
Rep. Anders Blewett (D)  
Rep. Robyn Driscoll (D)  
Rep. Bob Ebinger (D)  
Rep. David Howard (R)  
Rep. Krayton Kerns (R)  
Rep. Margaret MacDonald (D)  
Rep. Edith (Edie) McClafferty (D)  
Rep. Mike Menahan (D)  
Rep. Michael More (R)  
Rep. Keith Regier (R)  
Rep. Bob Wagner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** Rep. Diane Sands (D)

**Members Absent:** None

**Staff Present:** Jennifer Eck, Committee Secretary  
David Niss, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 276, 2/3/2009; HB 293, 2/3/2009  
Executive Action: HB 177; HB 236

**HEARING ON HB 293**

**Opening Statement by Sponsor:**

00:01:12 Rep. Cynthia Hiner (D), HD 85, opened the hearing on HB 293, Law enforcement certification for certain former military personnel.

00:03:15 Chairman Stoker

**Proponents' Testimony:**

00:03:28 Paul Harris, Captain, United States Army Reserves, Military Police

00:05:30 Jim Jacobson, American Legion

00:06:28 Dennis McCave, Yellowstone County Sheriff's Department

00:07:08 Dan Antonietti, Veterans of Foreign Wars

00:07:38 Jim Smith, Montana Sheriffs and Peace Officers Association

**Opponents' Testimony:** None

**Informational Testimony:**

00:08:18 Wayne Ternes, Director, Montana Public Safety Officers Standards of Training Council

00:08:42 Kevin Olson, Administrator, Montana Law Enforcement Academy

**Questions from Committee Members and Responses:**

00:09:01 Rep. Bennett

00:09:11 Rep. Hiner

00:09:13 Rep. Bennett

00:09:26 Rep. Hiner

00:09:33 Rep. Bennett

00:09:45 Mr. Olson

00:09:49 Rep. Bennett

00:09:56 Mr. Olson

00:10:02 Rep. Bennett

00:10:06 Rep. Howard

00:10:26 Mr. Harris

00:10:28 Rep. Howard

00:11:03 Mr. Harris

00:12:25 Rep. Howard

00:12:29 Chairman Stoker

**Closing by Sponsor:**

00:12:36 Rep. Hiner  
00:13:06 Chairman Stoker  
00:13:17 Rep. Peterson takes the chair.

**HEARING ON HB 276**

**Opening Statement by Sponsor:**

00:14:01 **Rep. Ron Stoker (R), HD 87**, opened the hearing on HB 276, Clarify responsibility for persons injured by law enforcement.  
  
00:19:38 Vice Chairman Peterson

**Proponents' Testimony:**

00:20:32 Mike Foster, Catholic Hospitals of Montana  
[EXHIBIT\(juh26a01\)](#)  
00:27:40 Vice Chairman Peterson  
00:27:45 Tom Ebzery, Attorney, Billings  
00:38:35 Vice Chairman Peterson  
00:38:46 Erin MacLean, Montana Medical Association  
00:39:56 Vice Chairman Peterson

**Opponents' Testimony:**

00:40:35 Dennis Paxinos, Yellowstone County Attorney  
[EXHIBIT\(juh26a02\)](#)  
00:48:48 Vice Chairman Peterson  
00:48:56 Jim Reno, Yellowstone County Commissioner  
00:51:22 Mike McGinley, President of the Montana Association of Counties  
[EXHIBIT\(juh26a03\)](#)  
[EXHIBIT\(juh26a04\)](#)  
00:53:46 Vice Chairman Peterson  
00:54:07 Mike Sehestedt, Montana Association of Counties  
[EXHIBIT\(juh26a05\)](#)  
00:57:13 Vice Chairman Peterson  
00:57:18 Dennis McCave, Yellowstone County Sheriffs Department  
[EXHIBIT\(juh26a06\)](#)  
01:02:21 Vice Chairman Peterson  
01:02:29 Jay Hansen, Beaverhead County Sheriff  
01:05:39 Vice Chairman Peterson  
01:05:45 Sheryl Wood, Montana Association of Counties  
01:09:34 Bob Gilbert, Rosebud County, Dawson County, Musselshell County  
01:10:37 Vice Chairman Peterson

01:10:46 Leo Gallagher, Montana County Attorneys Association

01:16:23 Vice Chairman Peterson

01:16:30 John Jensen, Commissioner, Fergus County

**EXHIBIT (juh26a07)**

01:19:32 Vice Chairman Peterson

01:19:37 Jay Bell, Yellowstone County

01:20:55 Vice Chairman Peterson

01:20:59 Jim Cashell, Gallatin County Sheriff

01:23:47 Vice Chairman Peterson

01:23:51 Merle Raph, Montana County Attorneys Association

01:24:34 Chris Hoffman, Sheriff, Ravalli County

01:28:38 Vice Chairman Peterson

01:28:45 Greg Chilcott, Commissioner, Ravalli County

01:30:19 Vice Chairman Peterson

01:30:25 Cynthia Johnson, Pondera County Commissioner

01:32:18 Frank Smith, Roosevelt County, Valley County, Blaine County, Phillips County

01:34:17 David Reinhardt, Valley County Commissioner

**EXHIBIT (juh26a08)**

01:35:21 Gary Amestoy, Richland County Commissioners

01:36:11 Jean Adams, Deputy County Attorney, Fergus and Petroleum Counties

01:37:57 Maureen Davy, Commissioner, Stillwater County

**EXHIBIT (juh26a09)**

01:39:48 Vice Chairman Peterson

01:39:54 Freedom Crawford, Sheriff, Roosevelt County

**EXHIBIT (juh26a10)**

01:42:20 Vice Chairman Peterson

01:42:24 Dave Schultz, Commissioner, Madison County

01:42:43 Vice Chairman Peterson

01:42:46 Phillip Hathaway, Commissioner, Sweetgrass County

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:43:27 Rep. Driscoll

01:44:20 Mr. Paxinos

01:46:07 Rep. Driscoll

01:47:17 Mr. Ebzery

01:48:07 Rep. Driscoll

01:48:10 Vice Chairman Peterson

01:48:14 Rep. Kottel

01:48:59 Ms. Adams

01:49:17 Rep. Kottel

01:49:50 Mr. Paxinos

01:49:53 Rep. Kottel

01:50:18 Mr. Paxinos

01:51:09 Rep. Kottel  
01:51:37 Mr. Paxinos  
01:51:53 Rep. Kottel  
01:52:52 Mr. Paxinos  
01:53:52 Rep. Kottel  
01:54:25 Mr. Paxinos  
01:54:35 Vice Chairman Peterson  
01:54:43 Rep. Becker  
01:55:41 Vice Chairman Peterson  
01:55:48 Mr. Ebzery  
01:57:04 Rep. Becker  
01:57:07 Rep. Stoker  
01:57:13 Rep. Wagner  
01:58:20 Mr. McGinley  
01:58:51 Vice Chairman Peterson  
01:58:55 Rep. Wagner  
01:59:13 Mr. McGinley  
01:59:46 Rep. Wagner  
01:59:48 Vice Chairman Peterson  
01:59:53 Rep. Becker  
02:00:39 Mr. Foster  
02:01:33 Rep. Becker  
02:02:00 Mr. Foster  
02:04:10 Vice Chairman Peterson  
02:04:30 Mr. Foster  
02:05:39 Vice Chairman Peterson  
02:06:11 Mr. Foster  
02:06:43 Vice Chairman Peterson  
02:07:33 Mr. Paxinos  
02:08:15 Vice Chairman Peterson  
02:08:20 Mr. Paxinos  
02:08:40 Vice Chairman Peterson  
02:08:44 Rep. MacDonald  
02:09:22 Mr. Paxinos  
02:12:05 Vice Chairman Peterson

**Closing by Sponsor:**

02:12:15 Rep. Stoker  
02:19:07 Vice Chairman Peterson

Recess: mics muted.

02:38:18 Meeting reconvened. Rep. Stoker resumed as chairman.

**EXECUTIVE ACTION ON HB 177**

02:38:52 **Motion:** Rep. Peterson moved that **HB 177 DO PASS.**

02:38:55 **Motion:** Rep. Kottel moved that **HB 177 BE AMENDED.**  
**EXHIBIT(juh26a11)**

**Discussion:**

02:44:33 Chairman Stoker

02:44:39 Rep. Peterson

02:45:07 Chairman Stoker

02:45:16 **Vote:** Motion that **HB 177 BE AMENDED** carried  
unanimously by voice vote. Rep. Sands voted aye by  
proxy.

02:45:41 **Motion:** Rep. Peterson moved that **HB 177 DO PASS AS**  
**AMENDED.**

**Discussion:**

02:45:47 Chairman Stoker

02:45:52 Rep. Kottel

02:47:28 Chairman Stoker

02:47:32 Rep. Peterson

02:48:13 Chairman Stoker

02:48:18 **Vote:** Motion that **HB 177 DO PASS AS AMENDED** carried  
unanimously by voice vote. Rep. Sands voted aye by  
proxy.

**EXECUTIVE ACTION ON HB 236**

02:48:48 **Motion:** Rep. Peterson moved that **HB 236 DO PASS.**

**Discussion:**

02:48:51 Chairman Stoker

02:48:57 Rep. Kottel

02:51:25 Chairman Stoker

02:51:29 Rep. Kerns

02:52:22 Rep. Peterson

02:53:44 Rep. MacDonald

02:55:15 Rep. Bennett

02:55:53 Rep. More

02:56:49 Rep. Howard called the question.

02:57:01 Rep. Peterson

02:57:40 Chairman Stoker

02:57:45 Rep. McClafferty

02:58:25 Chairman Stoker

03:01:56 **Vote:** Motion that **HB 236 DO PASS** failed 8-10 by roll call vote with Rep. Kottel, Rep. MacDonald, Rep. Ebinger, Rep. Becker, Rep. McClafferty, Rep. Blewett, and Rep. Menahan voting aye. Rep. Sands voted aye by proxy.

03:03:15 **Motion/Vote:** Rep. Peterson moved that **HB 236 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Rep. Sands voted aye by proxy.

**Further Discussion:**

03:03:48 Chairman Stoker

03:06:15 Mr. Niss

03:06:48 Rep. Kottel

03:06:49 Mr. Niss

03:06:54 Chairman Stoker

**ADJOURNMENT**

03:07:07 Adjournment

---

Jennifer Eck, Secretary

je

Additional Documents

Additional Documents:

**EXHIBIT ([juh26aad.pdf](#))**